

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

In Re:	)	
	)	
Said Benchater	)	Case Number 12-40852-MSH
Debtor	)	
	)	
	)	
	)	

DEBTOR'S RESPONSE TO THE OBJECTION OF BANK OF AMERICA, N.A., SUCCESSOR BY MERGER  
TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP TO  
DEBTOR'S CHAPTER 13 PLAN

The debtor Said Benchater (the “Debtor”), for his response to the Objection of Bank of America, N.A., Successor By Merger to BAC Home Loans Servicing, LP FKA Countrywide Home Loan Servicing, LP To Debtor’s Chapter 13 Plan states the following:

- 1) Debtor neither admits or denies the allegations of Bank of America, N.A., as to the ownership of the mortgage or the note. Admits documents were recorded at the Middlesex County Northern District Registry of Deeds, including a mortgage and an assignment. Bank of America, Countrywide, and Mortgage Electronic Registration System(MERS) have been involved in many lawsuits related to their business practices and quality of their legal title.
- 2) Admits Debtor's Chapter 13 petition was filed on March 8, 2012.
- 3) Debtor denies the allegations made in paragraph 3. Debtor alleges he was struggling to pay his mortgage but he was current. He contacted Bank of America seeking to reduce his mortgage payments around January 2009. Debtor alleges that a Bank of America representative advised him that he could not help him because he was current on his mortgage. Debtor alleges that he was told by a Bank of America that representative to stop making his mortgage and to qualify for a modification and receive a lower payment. Debtor stopped making mortgage payments based on this advice from Bank of America. Around March, 2009, Debtor contacted Bank of America to apply for a loan modification. After many months of contacting Bank of America, providing paperwork, Bank of America came back with a repayment plan in July, 2009 that was higher than his original mortgage payment. Debtor alleges he was misled by Bank of America and that he has claims that could reduce any amount alleged by Bank of America.

4) Admitted.

WHEREFORE, Debtor respectfully requests that the Court:

- 1) Overrule The Objection of Bank of America, N.A., Successor By Merger to BAC Home Loans Servicing, LP FKA Countrywide Home Loans Servicing, LP To Debtor's Chapter 13 Plan.
- 2) Grant such other relief as the court deems just and proper.

Dated: May 3, 2012

Respectfully submitted,  
Debtor  
By His Attorney,

/S/Stephen Teel

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#### CERTIFICATE OF SERVICE

I, Stephen Teel, Esq., attorney for the Debtor, hereby certify that on May 3, 2012 I served DEBTOR'S RESPONSE TO THE OBJECTION OF BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRWIDE HOME LOAN SERVICING, LP TO DEBTOR'S CHAPTER 13 PLAN electronically or by first class mail, postage pre-paid to the parties listed below:

Richard King  
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Julie A. Ranieri on behalf of Creditor Bank of America, N.A.  
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/S/Stephen Teel

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